

Please Direct All Correspondence to Customer Number **20995**

NOTICE OF APPEAL**FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

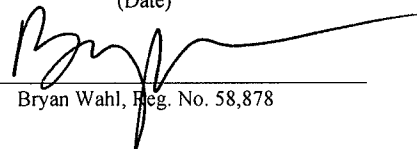
Applicant : Kagan et al.
App. No : 10/698,148
Filed : October 31, 2003
For : APPARATUS AND METHODS FOR
TREATMENT OF MORBID OBESITY
Examiner : Gray, Phillip A
Art Unit : 3767
Conf. : 2819

**CERTIFICATE OF EFS WEB
TRANSMISSION**

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

January 11, 2010

(Date)


Bryan Wahl, Reg. No. 58,878**Mail Stop AF**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 9, 2009 finally rejecting Claims 43-50, 52, 54-61 and 72-73.

The present application qualifies for Small Entity Status under 37 CFR 1.27.

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Notice of Appeal	41.20(b)(1)	1401 (\$270)		\$270
3 Month Extension	1.17(a)(3)	2253 (\$555)		\$555
			TOTAL FEE DUE	\$825

(X) An extension of time is hereby requested by payment of the appropriate fee indicated above.

(X) The amount of \$825 will be paid via EFS Web.

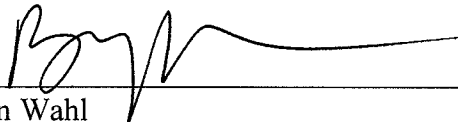
Docket No.: VALTX.001A
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated: January 11, 2010



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